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February 24, 2017

**VIA ECF**

Hon. Paul E. Davison  
United States Magistrate Judge  
300 Quarropas Street.  
White Plains, NY 10601-4150

Re: CORONA v. ROEMER, et al.  
16 CV 686 (PED)

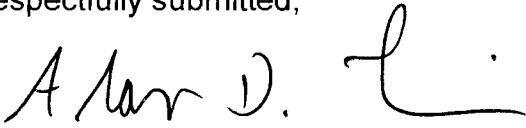
Dear Judge Davison:

I am the attorney for the plaintiff in the above-referenced action. On Tuesday, February 21, 2017, the non-party witness, Nigel Nicholson, once again did not appear at Yonkers City Hall for his deposition. Mr. Nicholson had been served with a subpoena at the two addresses that my office has for him, 59 Beechwood Terrace, Yonkers, New York and 21 West 74th Street, Apt. 2C, New York, New York. At both residences, the subpoena had to be left affixed to the door and mailed because no one was home. However, at the Yonkers address, my process server spoke to a neighbor who confirmed that Mr. Nicholson, indeed, resided at that address. As you will recall, both of the subpoenas served upon Mr. Nicholson with regard to his February 21, 2017, deposition had been so ordered by Your Honor.

The attorney for the defendants and I have conferred and are writing to seek Your Honor's guidance as to what our next step should be. I spoke to the United States Marshal in charge of the Civil Section of the Marshals Service's Southern District Office. She informed me that the office will not serve subpoenas in instances such as this, but will produce persons who are in contempt of a court order. Thus, the parties are hereby proposing that Your Honor sign an Order to Show Cause, which we will submit, commanding Mr. Nicholson to appear and that it be served upon him. We further propose that, should Mr. Nicholson fail to obey the Order to Show Cause, Your Honor sign an order, which we will prepare, directing the marshals to arrest him and bring him to the courthouse to appear before Your Honor, who can, at that time, direct him to appear at a deposition on a date certain.

The attorney for the defendants and I await your response.

Respectfully submitted,

  
ALAN D. LEVINE

ADL:map  
cc Rory C. McCormick, Esq. (Via ECF)